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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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SCOTT JOHNSON,

Plaintiff,

v.

H.M. WINCHESTER PROPERTIES, LLC,
et al.,

Defendants.

Case No.18-cv-01691-VKD

ORDER RE SHOW CAUSE HEARING

Re: Dkt. No. 33

On October 2, 2018, the Court was informed that this case had settled. Dkt. No. 30. The Court issued an Order to Show Cause, setting the show cause hearing for November 27, 2018 and ordering the parties to file a response by November 20, 2018. Dkt. No. 31. The parties filed a response on November 19, 2018, indicating that they had finalized their settlement and anticipated filing a dismissal within 60 days. Dkt. No. 33.

Based on the parties' representations, the Court orders the parties to file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii) on or before **January 18, 2019**. Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendants have not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendants have filed an answer, plaintiffs must file a stipulated dismissal pursuant to Rule 41(a)(1)(ii).

The show cause hearing set for November 27, 2018 is CONTINUED to **January 29, 2019, 10:00 a.m.** The parties shall file a statement in response to this Order re Show Cause Hearing no later than **January 22, 2019** advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and

1 file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause hearing will be
2 automatically vacated and the parties need not file a statement in response to this Order.

3 **IT IS SO ORDERED.**

4 Dated: November 19, 2018

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6 VIRGINIA K. DEMARCHI
7 United States Magistrate Judge

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